

REMARKS

Amendments to claims 9, 18, and 41 are for the purpose of clarifying what Applicant regards as the invention. Amendment to claim 47 is to insert a punctuation mark. No new matter has been added.

I. CLAIM OBJECTION

Claim 47 stand objected to because a period is needed at the end of claim 47. Claim 47 has been amended to remove the deficiency presented in the Office Action.

II. CLAIM REJECTIONS UNDER U.S.C. § 102

Claims 1, 2, 6-11, 13-17, and 46 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 5,841,833 (Mazess). Applicant respectfully notes that in order to sustain a claim rejection under § 102, each of the claimed elements must be found, either expressly or inherently, in the cited reference.

Claim 1 recites a first scintillating material that has a first radiation detection characteristic, and a second scintillating material that has a second radiation detection characteristic. Claim 9 recites that each of the first conversion elements is made from a first material that has a first radiation-to-photon conversion characteristic, and each of the second conversion elements is made from a second material that has a second radiation-to-photon conversion characteristic. Mazess does not disclose or suggest the above limitations. Rather, Mazess discloses a high energy detector 37(a) having a scintillator 308, and a low energy detectors 37(b) having a scintillator 312 (figures 21-23). Notably, the *materials* making up the scintillators 308, 312 are the same, as indicated by the same material shading shown in figures 22 and 23. In fact, it is the difference in the heights (not materials) of the scintillators 308, 312 that provides different radiation detection characteristics (see figures 21-23). For at least the foregoing reasons, claims 1 and 9, and their respective dependent claims, are believed allowable over Mazess.

Claims 29, 31, 32, 34, 35, 37, and 38 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0191751 (Bogatu).

Claim 29 recites first and second filters that *are coupled* to a photoconductor layer (Emphasis Added). Claim 35 recites first and second filters that *are coupled* to a conversion layer (Emphasis Added). Bogatu does not disclose or suggest the above limitations. Rather, Bogatu discloses filters 32, 34 that are decoupled from array 22 (see figure 8A), and therefore, in fact discloses the opposite of what is claimed. For at least the foregoing reason, claims 29 and 35, and their respective dependent claims, are believed allowable over Bogatu.

Claims 4, 5, 41, and 45 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,138,167 (Barnes).

Claim 41 has been amended to recite that the plurality of first imaging elements and the plurality of second imaging elements form a surface. Barnes does not disclose or suggest the above limitations. Rather, Barnes discloses a detector segment that includes a first elemental layer 22 primarily responsive to lower energy x-rays, and a second elemental layer 24 responsive to higher energy x-rays (figure 2). Each of the layers 22, 24, includes a phosphor coating layer 26, 28, respectively (column 8, lines 23-27; figure 2). To the extent that the Examiner considers the layer 26 as a first photoconductor that has a first radiation detection characteristic, and the layer 28 as a second photoconductor that has a second radiation detection characteristic, Applicant respectfully notes that layer 28 is completely underneath layer 26 such that no part of the layer 28 forms a surface with the layer 26. As such, Barnes does not disclose or suggest a plurality of first imaging elements and a plurality of second imaging elements forming a *surface*. For at least the foregoing reasons, claim 41 and its dependent claims are believed allowable over Barnes.

III. CLAIM REJECTIONS UNDER U.S.C. § 103

Claims 18, 19, 21, 22, 26, 27, 28, and 47 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bogatu in view of Barnes.

Claim 18 has been amended to recite that the plurality of first photoconductor elements and the plurality of second photoconductor elements form a surface. Applicant agrees with the Examiner that Bogatu does not disclose or suggest first and second photoconductor elements (and therefore, Bogatu also does not disclose or suggest first and second photoconductor elements forming a surface). Barnes also does not disclose or suggest the above limitation, and therefore, fails to make up the deficiency presents in Bogatu. As discussed, Applicant respectfully notes that layer 28 is completely underneath the layer 26 such that no part of the layer 28 forms a surface with the layer 26. For at least the foregoing reasons, claim 18 and its dependent claims are believed allowable over Bogatu, Barnes, and their combination.


CONCLUSION

Based on the foregoing, all claims are believed in condition for allowance. If the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-4047, referencing billing number **7036492003**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-4047, referencing billing number **7036492003**.

Respectfully submitted,
Bingham McCutchen LLP

Dated: May 29, 2007

By: 
Gerald Chan
Reg. No. 51,541

Three Embarcadero Center
San Francisco, California 94111
Telephone: (650) 849-4960
Facsimile: (650) 849-4800